

UNITED STATES DISTRICT COURT  
NEWARK, NEW JERSEY

RECEIVED-CLERK  
U.S. DISTRICT COURT

2004 DEC 14 P 2:24

KASHMIRA Y PATEL

106 STRULL CT

BRIDGEWATER NJ 08807-5544

PLAINTIFF(S)

- vs -

CIVIL NO. 04-6216 (GEB)

JOHN E. POTTER

PMG. USPS AGENCY

475, L'ENFANT PLAZA,  
WASHINGTON, D.C.

DEMAND FOR TRIAL BY JURY

YES ☐ NO ☒  
(CHECK ONE BOX ONLY)

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DEC 14 2004

COMPLAINT

AT 8:30 11  
WILLIAM T. WALSH  
CLERK

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended, for employment discrimination. Jurisdiction is specifically conferred on this Court by 42 U.S.C. Section 2000e-5. Equitable and other relief are also sought under 42 U.S.C. 2000e-5 (g).

2. Plaintiff(s) resides at 106, STRULL COURT  
Street Address  
BRIDGEWATER SUMERSET NJ  
City County State  
(908) 253 0732  
Phone Number

-2-

3. Defendant(s) lives at, or its business is located at 475 L'ENFANT PLAZA  
 Street Address

WASHINGTON DC, \_\_\_\_\_  
 County State

\_\_\_\_\_  
 Phone Number

4. Please state the address at which you sought employment PRINCETON  
 City

NEW JERSEY  
 County State

5. State as nearly as possible when the discriminatory acts occurred:

17<sup>th</sup>, JANUARY, 2003  
 Day Month Year

5a. If practice is continuing check the appropriate box:

\_\_\_\_\_  
 YES NO

6. State as nearly as possible when you filed charges with the N.J. Division on Civil Rights regarding defendant's alleged discriminatory conduct:

\_\_\_\_\_  
 Day Month Year

7. State as nearly as possible when you filed charges with the Equal Employment Opportunity Commission regarding defendants alleged discriminatory conduct: 30  
 Day

SEPTEMBER, 2003  
 Month Year

8. The Equal Employment Opportunity Commission issued the attached Notice-of-Right-to Sue letter which was received by you on

24, SEPTEMBER, 2005  
 Day Month Year

(Note: Please attach Notice-of-Right-to Sue letter to this Complaint)

-3-

9. The acts complained by you, in this suit, concern:

A. \_\_\_\_\_ Failure to employ you.

B. ☒ Termination of your employment.

C. \_\_\_\_\_ Failure to promote you.

D. \_\_\_\_\_ Other acts (please specify) \_\_\_\_\_

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10. Defendant's conduct is discriminatory with respect to which of the following:

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A. ☒ Your race

B. ☒ Your Color

C. ☒ Your Sex

D. ☒ Your Religion

E. ☒ Your National Origin

11. A Copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of your claim.

-4-

12. If relief is not granted, plaintiff will be irreparably denied rights secured by the Title VII of the Civil Rights Act of 1964, as amended.

13. Plaintiff(s) has no adequate remedy at law to redress the wrongs described above.

WHEREFORE, Plaintiff(s) prays (check appropriate letter(s) as follows):

A. \_\_\_\_\_ That all fees, costs or security attendant to this litigation be hereby waived pursuant to affidavit of indigence submitted herewith.

B. ☒ That the Court grant such relief as may be appropriate, including injunctive orders, damages and costs.

C. \_\_\_\_\_ That a trial by jury is/is not hereby demanded by the plaintiff.  
(Circle one)

K. Y. Patel  
SIGNATURE OF PLAINTIFF



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Office of Federal Operations**

**P.O. Box 19848**

**Washington, D.C. 20036**

RECEIVED-CLERK  
U.S. DISTRICT COURT

2004 DEC 14 P 12:13

Kashmira Patel,  
Complainant,

v.

John E. Potter,  
Postmaster General,  
United States Postal Service,  
Agency.

Appeal No. 01A44274

Agency No. 4A-088-0037-03

Hearing No. 170-2004-00223

**DECISION**

Pursuant to 29 C.F.R. § 1614.405, the Commission accepts the complainant's appeal from the agency's final order in the above-entitled matter. Complainant alleged that the agency had discriminated against her on the bases of race (Asian), sex (female), religion (Hindu), and color (Brown) when on December 10, 2002, complainant was issued a Notice of Removal, effective January 17, 2003.

After a review of the record in its entirety, including consideration of all statements submitted on appeal, it is the decision of the Equal Employment Opportunity Commission to affirm the agency's final order, because the Administrative Judge's issuance of a decision without a hearing was appropriate and a preponderance of the record evidence does not establish that discrimination occurred.

**STATEMENT OF RIGHTS - ON APPEAL**

**RECONSIDERATION (M0701)**

The Commission may, in its discretion, reconsider the decision in this case if the complainant or the agency submits a written request containing arguments or evidence which tend to establish that:

1. The appellate decision involved a clearly erroneous interpretation of material fact or law; or

2. The appellate decision will have a substantial impact on the policies, practices, or operations of the agency.

Requests to reconsider, with supporting statement or brief, must be filed with the Office of Federal Operations (OFO) **within thirty (30) calendar days** of receipt of this decision or **within twenty (20) calendar days** of receipt of another party's timely request for reconsideration. *See* 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), 9-18 (November 9, 1999). All requests and arguments must be submitted to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, D.C. 20036. In the absence of a legible postmark, the request to reconsider shall be deemed timely filed if it is received by mail within five days of the expiration of the applicable filing period. *See* 29 C.F.R. § 1614.604. The request or opposition must also include proof of service on the other party.

Failure to file within the time period will result in dismissal of your request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. Any supporting documentation must be submitted with your request for reconsideration. The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. *See* 29 C.F.R. § 1614.604(c).

#### COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0900)

You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official agency head or department head, identifying that person by his or her full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work. If you file a request to reconsider and also file a civil action, **filing a civil action will terminate the administrative processing of your complaint.**

#### RIGHT TO REQUEST COUNSEL (Z1199)

If you decide to file a civil action, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. *See* Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*; the Rehabilitation Act of 1973, as amended,

29 U.S.C. §§ 791, 794(c). **The grant or denial of the request is within the sole discretion of the Court.** Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action must be filed within the time limits as stated in the paragraph above ("Right to File A Civil Action").

FOR THE COMMISSION:



Carlton M. Hadden, Director  
Office of Federal Operations

SEP 16 2004

Date

**CERTIFICATE OF MAILING**

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was mailed. I certify that this decision was mailed to complainant, complainant's representative (if applicable), and the agency on:

SEP 16 2004

Date



Equal Opportunity Assistant

Name of Court

United States District Court  
District of New Jersey

Title of Action: Against Federal Agency

Kashmira Y. Patel  
Plaintiff

Civil Action NO.

- VS -

John E. Potter  
Postmaster General  
USPS Agency

PARTIES

Kashmira Y. Patel  
106, Strull St. Plaintiff  
Bridgewater  
NJ 08807-5544

John E. Potter  
PMG USPS Defendant  
Agency

475 L'ENFANT PLAZA  
WASHINGTON, D.C.

Jurisdiction

Complainant's right to file a Civil Action (50900)  
Cause of Action

The Princeton Post office terminated when I was treated  
for the on job injury claiming that I was untruthful  
on my job application.  
Demand

I wish to be returned to my postal job with back pay  
and seniority considering my injury and bodily damage



COMPLAINT

My name is Kashmira Y Patel a resident of Bridgewater NJ. I used to work for Princeton Post Office as a PTF carrier on July 23, 2002. I was injured on the job claimed the injury on July 26, 2002. Filing CA-1 started getting treatment during this time Management started investigating in my case and they made allegations that I had previous injury in my back and I was untruthful on my medical questionnaire for job application and they decided to remove me effective January 17, 2003. I filled an EEO complaint which was handled loosely and decision was giving in the favours of Agency (USPS) with a right to file a civil action (50900). All I want to say a great injustice been done to me and caused me lots of hardship financially, mentally and socially too. I looking forward for justice and truth to come out. I can prove that the allegation made against me are totally wrong and unjust. I request the court to hear me and then deliver its judgement. This is my complaint and I believe is true to best of my knowledge.

K.Y. ~~Patel~~  
(Kashmira Y. Patel)